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REMARKS

This amendment is in response to the Final Office Action dated June 13, 2005. This amendment is accompanied by a Request for Extension of Time and a Request for Continued Examination, together with the appropriate fees therefor.

At the time of the Office Action, claims 1-2, 4-12, 14-17, 19-24 and 26 were pending in this Application. By this Amendment, Claims 1, 11 and 22 are amended; and Claims 5, 14 and 16-21 are canceled. Applicant respectfully request reconsideration of the present application in view of the foregoing amendment and the following remarks.

I. PRIOR ART REJECTIONS

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-2, 5-12, 14-17, 19-24 and 26 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,762,889 to Hopper. Applicant has amended claims 1 and 11 herein, and has canceled claims 16-21.

Claim 1 has been amended to clarify that the chamber is capable of receiving a predetermined volume of liquid. Additionally, the amendment confirms that each pressure sensor is operable to select different predetermined pressures to be maintained during sterilization of articles within the chamber, thereby enabling the sterilization of the articles to be carried out at one of at least two different predetermined temperatures. Claim 11 is amended to clarify that a predetermined volume of liquid is supplied to the apparatus, and that when the selected predetermined pressure of steam inside the chamber is attained, the control mechanism is activated to retain the steam at the predetermined pressure of steam during sterilization of the articles within the chamber, thereby sterilizing the articles at one of at least two different predetermined temperatures until a sterilization cycle is completed.

Notably, although the Office Action asserts that two pressure switches 38 and 40 are utilized in Hopper, these pressure switches are merely used to define an operating range of pressure within the chamber. The pressure sensor 38 of Hopper is a low pressure switch, and is used to turn off the vacuum pump 52 when the pressure in the chamber 20 has dropped below a predetermined limit. This action is carried out to assure the proper pressure differential when water is injected to make steam (see column 5, lines 7-25). Once the heating of the water has

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occurred, pressure switch 40 is used to control the temperature of the steam. As the pressure sensors 38 and 40 are thus both on/off pressure switches, operation of the autoclave can be achieved at only one temperature that has been preset in respect of switch 40.

To the contrary, the apparatus defined in the present claims allows for the operation of the autoclave at two different preset temperatures. This arrangement allows for the sterilization of different articles at different temperatures, (for example 270°F for loosely wrapped instruments, and 250°F for liquids and pre-packed items, as described on page 9 of the application). The autoclave of the present claims allows the different temperatures to be used in a relatively simple and robust apparatus, which is a considerable advantage over prior art autoclaves because of the maintenance and sterilization issues that arise with more complicated devices.

Claim Rejections Under 35 U.S.C. §103 (a)

Claims 3-4, 13, 18 and 25 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 4,685,507 to Schäfer. Applicant has amended claim 22 herein to clarify that the fresh liquid is provided through a fluid supply conduit to the sterilization chamber, that after the sterilization step, the chamber is vented through a vent valve to a vent conduit separated from the chamber, that the steam is condensed in the vent conduit. The claim further recites that there is no fluid communication between the vent conduit and the fluid supply conduit such that the fresh liquid and the waste liquid are kept separate from one another.

In stark contrast, Schäfer teaches that it is desirable to recycle the condensate following the treatment process, only unless the condensate does not suffer from fouling or contamination. The present inventor has realized that in fact, condensate that appears not to be contaminated may still include minute quantities of material that can over time build up in the autoclave and can form the biofilm contamination discussed in the application. This is contrary to the teaching of Schäfer, which implies that it is safe, and in fact desirable, to recycle the condensate.

Hopper also does not teach that the waste liquid and fresh liquid should be kept separate. In contrast to the statement in the Office Action, Hopper merely teaches that the condensate is collected in a different reservoir from the one used to introduce the fresh water, regardless of how such reservoirs are within the same chamber. The two reservoirs are in fluid communication with one another through the connecting rods 22, 24, and any contaminants

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present in the condensate will also contaminate the fresh water reservoir.

The amendments made to claim 22 clarify that the sterilization chamber of the present application is separated from the vent conduit (in which condensation takes place) by a vent valve, and that there is no fluid communication between the fresh liquid reservoir and the vent conduit. Thus, neither Schäfer nor Hopper teaches or suggests the method set out in claim 22, either individually or in combination. Even if the teaching of the two documents is combined, a person of ordinary skill in the art would not arrive at a method having all of the limitations of claim 22.

For at least the reasons given above, Applicant respectfully submits that claim 1, claim 11, and claim 22 are allowable over the prior art of record. Furthermore, the dependent claims are believed allowable because of their dependence upon an allowable base claim, and because of the further features recited. Accordingly, Applicant respectfully requests allowance of these claims.

II. CONCLUSION

Applicants has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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